The Problem of Discrimination and Violation of the Rights Of Roma Children in Russian Federation Schools

"We're not asking for something supernatural;
we're asking you to build a primary school."
(from an address by the leader of the Roma community in Tver Province)

"Our principal doesn't respect us. Russian children learn
in different classes by age, but we're all together
in one class. They don't teach us as well."
(Roma girl from a school in Tatarstan)

"Why do they teach our Roma children separately?
Do they consider them idiots?"
(words of one of the parents)

"It always bothered me personally
that we have to teach the Roma separately."
(principal of one of the schools where Roma children are taught separately)

INTRODUCTION

Two basic problems should be distinguished regarding the issue of discrimination against Roma children in the realm of education: the **difficulty of access** to primary and secondary education for Roma children and the **low quality** of the **formal education** they receive. The latter is connected with the particular attitude toward such students that is demonstrated by their **segregation** into separate "Gypsy classes," as well as by the placement of Roma children into classes for the developmentally delayed without sufficient justification.

Unfortunately, a significant portion of Roma children do not currently enter school at all or quickly drop out of formal education without acquiring sufficient proficiency. This has been noted in particular by the Advisory Committee on the Framework Convention for the Protection of National Minorities, which indicated in its Second Opinion on the Russian Federation that children from individual ethnic minorities, including Roma, do not attend schools in Russia.[1]

Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination states: "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction."[2] The problem, of course, is not always obvious, since the segregation of Roma children is explained by the desire of the parents themselves to teach their children in separate schools or classes. In some schools where Roma children are taught in separate classes or even in separate buildings, the parents protest and complain regarding this practice, while simultaneously at other schools parents consciously support the system of separate education and do not wish their children to study in integrated classes since they fear inter-ethnic conflicts, fights between children of different ethnic groups, and generally consider segregated instruction to be safer.

The inconsistency of this position demonstrates that self-isolation and segregation, which seem voluntary at first glance, in actuality are necessitated. This is a forced choice that Roma sometimes make out of considerations of their own safety, not because they welcome segregation.

One of the main reasons Roma children do not attend school is the lack of required documents, particularly that of registration at their place of residence. The Law on Education contains an anti-discriminatory component and places no requirements regarding the provision of documents in order to be accepted into school. This issue receives special comment in the Letter to the Federal Education

[1] http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_RussianFederation_en.pdf
[2] http://www2.ohchr.org/english/law/cerd.htm

and Science Supervision Agency No 01-678/07-01 of 24 July 2006,[3] which states that schools do not have the right to refuse to accept children based on a lack of registration. Meanwhile, in reality access to education is often hindered or completely impossible for children from Roma families in particular. Principals must provide a complete set of documents for each child to supervising bodies, which often leads to children whose parents cannot obtain all the necessary paperwork being eliminated from the educational process (Roma children suffer more than others in this situation since their parents are the least likely to possess the necessary documents). At times one hears tragi-comic utterances by the school leadership: "We would have liked to take all the children into school, but because of compulsory education (meaning here the rules for registering students) we can't." Principals are placed in a difficult and highly dependent position. On the one hand they must fulfill numerous instructions from the authorities immediately above them and provide a variety of information on the children, but on the other they are violating the Law on Education by not accepting children into school. Educational governing bodies are aware of this situation, but the most "convenient" solution is for children who are "problematic" from the documentary point of view is for them to drop out of the school process.

Poverty and the impossibility of acquiring the necessary textbooks and school supplies, as well as paying for transportation and meals are other reasons Roma children drop out of the educational process. Applying for assistance is again hindered by the fact that the parents cannot obtain the necessary documents and confirm their limited resources, high birth rate, and other factors entitling them to material assistance.

Segregated instruction of Roma children in separate classrooms, which are not usually in complete accordance with education standards, and the large-scale assignment of Roma children to classes for the developmentally disabled without sufficient justification also leads to low educational quality.

Despite existing legislation, so-called "Gypsy classes" are being created in some Russian schools, and sometimes even "Gypsy schools." Paradoxically, they almost never offer an ethnic or cultural component in the instruction, and acquisition of written Roma language or instruction in it are almost never included in the curriculum. These schools and classes follow the general educational program (or a program for developmentally delayed children). The curriculum is almost never enhanced by additional teaching of crucial subjects for Roma children such as their native language or the Russian language adapted for the acquisition by non-Russian speaking children.

The absence of linguistic differences in the educational program between Roma and non-Roma children underscores the meaningless and discriminatory nature of dividing children into classes based on ethnicity. The creation of "Gypsy classes" is only a means to separate the "undesirable" students from the rest. The only reason for this separation is often the refusal of non-Roma parents to send their children to a class with Roma. Unfortunately, the desires of racists are often accommodated not only by the school administration but by the inspectors of local educational governing bodies. Civil servants are well aware of the practice of segregation in the schools under their jurisdiction but do nothing to counteract it.

It is difficult for teachers to instruct children who speak Russian poorly, while at the same time it is difficult for Roma children to learn in what is practically a foreign language; school administrations, therefore, attempt to lower the requirements placed on students and to decrease the number of students per class. Toward this end they often arrange for classes of compensatory education and/or instruction for Type 7 or even Type 8 (for children with developmental delays; Type 7 is delay in psychological development; Type 8 is mental retardation), which creates the right to establish classes that contain 9-12 persons. The decision to form such classes is sometimes made by the Teachers Council of the school, and Roma children—often without their parents' knowledge—are tested before a commission that renders a verdict accordingly. The results of the testing are questionable. The experts that comprise the commission do not know the Roma language, and the children do not speak Russian well. Roma parents view this practice negatively, as is indicated by the suits instituted in 2009 against School No. 66 in the city of Tula. The parents surmise the wrongful

[3] http://www.lexed.ru/docs/?250706_1.html

nature of the testing their children undergo, the poor results of which are often due not only to the insufficient proficiency in Russian by the children but to the teachers' prejudice, which sometimes crosses over into utter disbelief in the ability of Roma children to master the standard school program.

In those instances when non-Roma children are not tested at all and are taught in general classes, while Roma children are tested across the board, after which they almost always wind up in classes for the delayed, segregation into Roma and non-Roma arises. In fact, the creation of compensatory classes usually serves as a pretext for official segregation, as is demonstrated by the experience of school No. 66 in Tula, whose principal referred to the classes created for children requiring compensatory education as "Gypsy" classes on the website "Gateway to the City of Tula"; in other words acknowledging *de facto* the ethnic principle by which these "special classes" are formed.[4]

The issue here is one of direct discrimination against Gypsy children, not only due to their placement in compensatory classes based on their ethnic origin rather than on their level of development, but also because this was done against the wishes of the children themselves, of their parents, and of the community.

These obvious violations of the rights of children are not acknowledged as such not only at the local level but on the highest level as well. The denial of discrimination in the division of children according to ethnicity into "regular" and "requiring compensation" is expressed in the public statement of Aysa Bokkaevna Mukabenova, Counselor of the Department for Humanitarian Cooperation of the Ministry of Foreign Affairs of the Russian Federation, whose professional responsibility is specifically to correctly assess the Russian Federation's fulfillment of its international obligations. At a "round table" regarding issues of educating Roma children that took place in Moscow on 7 April 2009, she stated, "We see different models. Both integrated classes and separate instruction exist, and I am very sympathetic to the model of compensatory education, when supplementary lessons are introduced. ... …I don't think everything needs to bear the label of 'discrimination' and 'segregation.' There are objective reasons for separate instruction, and there is nothing abnormal in such a separation."[5]

In a number of schools the division of classes into "Roma" and "non-Roma" is not even based on formal testing; children are simply divided according to ethnic indicators. The pedagogical results in the "Russian" and "Roma" classes always differ dramatically. Children from Gypsy classes receive a lower quality education, are less well prepared to proceed to secondary school, and are often completely deprived of the opportunity to study some subjects (for example, a foreign language). There are schools where Roma children (unlike the other students) are placed in a single class regardless of their age and how many years they have already attended school. In these classes a single teacher attempts to teach all the students simultaneously and in one place. In such cases segregation is extremely overt. Roma children are not even allowed into other classes, onto other floors of the school, or into common areas.

The problem is only compounded by the fact that its existence is effectively denied by the authorities. Rather than acknowledging the existence of schools attended by Gypsy children en masse (as a rule these schools are located near compact Roma settlements), assisting these schools in providing the children with a quality education, and supervising them, local and federal authorities simply close their eyes to the problem. In this context the position of Marina Mazaeva, Deputy Minister of Rostov Province is telling. In response to a question by human rights activists about her attitude toward the existence of separate Gypsy classes she stated, "Roma problems aren't related to education; they're social in nature. We don't have a problem with access to education. The Roma themselves don't want to study; they're wandering in the steppe. We don't have any Gypsy classes."[6]

The Constitution of the Russian Federation in Article 43 guarantees everyone the right to education. The Law on Education in Article 5 directly prohibits discrimination and guarantees a primary and secondary education to all citizens of the Russian Federation. According to Article 62 of

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4 http://www.tula.rodgor.ru/site/releases/school/21117/

5 Address by A. B. Mukabenova at the roundtable "Problems of Educating Roma in Russia Under the New Educational Legislation," which took place on 7 April 2009 at the Federal Institute of Education Development (FIED) in Moscow.

6 Interview by an expert from ADC "Memorial" with M. Mazaeva, 5 June 2009.

the Constitution, foreign nationals and stateless persons are endowed with the rights and obligations of citizens, unless otherwise envisaged by the federal law or an international agreement of the Russian Federation. Since neither Russian legislation nor international obligations of the Russian Federation place limits with regard to the rights of foreigners to a formal education, Roma who lack Russian citizenship have the same right to access schools that Russian citizens do.

It should be acknowledged that violation of the rights of Roma students to receive a quality education in general classes in accordance with approved standards occurs in all regions of the Russian Federation. For example, Roma children from school in the settlement of Nizhnie Vyazovye (city of Sviyazhsk, Tatarstan) have complained that they attend the same class year after year but cannot even read, that they are isolated from other students at the school, are not permitted into the corridor or the bathroom, and are supposed to run outside instead.[7] The same problem arose with the Roma community in Novosibirsk Province (settlement of Pashino). The parents of students at School No.46 say that "all the children are registered in one class, and regardless of how many years a child has gone to school he must go to first grade again."[8] A similar situation exists in the Ural region of the Russian Federation. Tatiana Sergeeva, Superintendent of the Board of Education for the Verkh-Isetsk District of Ekaterinburg, gave the following reply to the question of how a decision is made to create a Gypsy class: "We don't assemble any commission; we simply place them all into the Gypsy class."[9]

The present study of the problems of discrimination and violation of the rights of Roma children in Russian Federation schools was conducted on the basis of materials collected by employees of the Anti-Discrimination Center of the Memorial Society (ADC "Memorial") during visits to compact Roma settlements and schools located near them throughout the entire country: in the Northwest (Leningrad and Novgorod Province); the Central Region (Tula, Ryazan, Penza, Lipetsk, Tambov, and Moscow and Vladimir Province); in the Volga Region (Tatarstan, Mari-El, Chuvashia, and in Samara and Saratov Provinces); in the Urals (Perm, Ekaterinburg, Chelyabinsk, Troitsk, Nizhniy Tagil); in Siberia (Irkutsk, Krasnoyarsk, Novosibirsk, Tyumen); and in the Southern Federal District (Astrakhan, Volgograd, Rostov Province, and Krasnodar Territory).[10]

[7] Interview by experts from ADC "Memorial" with children from the Roma settlement in Sviyazhsk and their parents, May 2009.

[8] Interview by experts from ADC "Memorial" with Mikhail and Sabina Muntyan, residents of the Roma settlement in Pashino, June 2009.

[9] Interview of an expert from ADC "Memorial" with T. N. Sergeeva, July 2009.

[10] Research trips by employees of ADC "Memorial" during 2003-2009.

LEGAL BASIS

Education in Russia is regulated by the Constitution of the Russian Federation (hereafter the Constitution), by the Russian Federation "Law on Education" (hereafter Law on Education) and other federal laws that must conform to the Law on Education, by laws of the subject of the Russian Federation that must conform to all the above sources as well, and by acts of the federal executive body in the realm of education (presently the Ministry of Education and Science and its subordinate bodies). In addition, the Preamble to the Law on Education states that the field of education is regulated, besides domestic law, by "norms of international law." According to Article 15, Section 4 of the Constitution, the principles and norms of international law have priority over the domestic laws of the Russian Federation, and if an international treaty of the Russian Federation establishes another rule than that provided by domestic legislation, the rules of the international treaty shall apply.

The international treaties to which the Russian Federation is a party contain primarily norms relating to human rights, and are directed toward the guarantee of the rights of the human being to education, to the elimination of discrimination in education, as well as to the establishment of the state's obligation to engage members of socially vulnerable groups residing on its territory in education.

In evaluating domestic Russian legislation in the realm of education, the significant predominance of norms related to the administration of the realm of education that do not ensure the fulfillment of the human rights guarantees established in the Constitutional and international treaties of Russia should be noted.

The Place of Formal Education in Russian Educational System

According to Article 9 of the Law on Education, the Russian educational system is divided into separate categories of educational programs: (1) general education (basic and supplementary) and (2) vocational (basic and supplementary).

Basic general includes curricula for pre-school education, primary general education, basic general education, and secondary (complete) general education. Basic vocational education includes programs for primary vocational education, secondary vocational education, higher vocational education, and graduate vocational education.

The format of education known as "formal education" is a system of implementing primary general, basic general, and secondary (complete) general education. Thus, formal education encompasses the entire category of basic general education programs, with the exception of preschool educational programs. The school as an organization is referred to in Article 12 of the Law on Education as an institution of basic general education and has the status of an institution within the framework of civil legal relationships.

Russia's System of Internal Regulation of Formal Education

The Constitution of the Russian Federation in Article 43 establishes the rights of everyone to an education and states that 1) The general accessibility of and free preschool, basic general, and secondary vocational education in state or municipal educational institutions and at enterprises shall be guaranteed and that 2) Basic general education shall be obligatory. Thus the basis difference between formal education and other forms of education in Russia is its guaranteed general access, lack of cost, and obligatory nature.

The Law on Education—the next source of legal regulation of formal education in effect—contains, first of all, a broadened formulation of guarantees established by the Constitution, and secondly, the principal provisions of the status of institutions of basic general education; in other words, schools. Article 12 of the Law states that a school is an educational institution whose legal-organizational status remains the same without regard to the educational program it implements. In other words, a school, a kindergarten, and an institution of higher education are regulated by the same

principles established in the Law on Education. According to these principles, each educational institution has its founder,[11] its charter,[12] and its Standard Statute, confirmed by Decree of the Government of the Russian Federation,[13] which is the only normative-legal act for comprehensive regulation of the respective type of educational institution. A founder of a school can be either a public subject (state or municipal education), or a private entity. The founder confirms the charter of the school, which establishes the school's basic rules of internal activity. Schools are also subject to various sanitary-epidemiological, fire, and social norms issued by the respective state bodies. Additionally, as concerns curriculum development within the educational process, the school's foundational document is the educational program created by the school itself based on state educational standards. The school also autonomously formulates the curriculum and the schedule of instruction.[14] Finally, schools autonomously issue various local normative acts that regulate the direct organization of the educational process in the school; the norm of Article 15 of the Law on Education is implemented here too, according to which "an educational institution is independent in choosing a grading system, type, order, and frequency of intermediate evaluation of students." However such independence depends to a large extent on the activity of school founders, who have sufficient authority to ensure the acceptance of one or another norm in the schools themselves.

The only source from those indicated above that is universal for all the schools is the Standard Statute on Institutions of General Education that was confirmed by Decree of the Government of the Russian Federation on 19 March 2001, No 196[15] (hereafter Standard Statute). The Standard Statute leaves many issues within the purview of the schools themselves. In particular it is again reiterated that "an institution of general education is independent in choosing a grading system, type, order, and frequency of the evaluation of students, in accordance with its charter and with the Law of the Russian Federation "On Education."[16] The school is authorized to make independent decisions on issues of evaluating student mastery of the material in order to determine whether a student deserves to be "conditionally promoted" to the next grade or whether consent should be requested from the parents to the transfer of the student into a compensatory education class or to home instruction.[17] The number of classes in the school is determined by the number of applications submitted and by the conditions created for the general educational process, taking into consideration the sanitary norms and the established standards indicated in the license,[18] which also permits the drawing of a conclusion about the broad power of the school leadership in everything that concerns the formation of classes. Additionally, the number and occupancy of classes of an institution of basic general education (including those of small size) located in the area of a village are determined by the school based on the needs of the population.[19] The Standard Statute clearly indicates that "rules for accepting citizens into an institution of general education shall be determined by its founder in accordance with the legislation of the Russian Federation and shall be secured in the charter of an institution of general education."[20] Finally, the Standard Statute states nothing about the rules of assigning children into classes within a grade or about promoting students from one class to another (except for the rule regarding transferring children into compensatory education classes). Thus, **issues regarding children's acceptance into school, their progression from class to class, the evaluation and grading of their proficiency, and the determination of the fate of those with delays are determined by each school autonomously. Such a system of regulation by itself provides schools with the opportunity to effectively solve the problems of formal education of particular categories of children such as Roma on a systemic level.** However, considering the influence of

11 Art. 11 Law on Education
12 Art. 13 Law on Education
13 Art. 12 Law on Education
14 P. 41, 42 Standard Statute (see fn 15).
15 http://zakon.edu.ru/catalog.asp?ob_no=12905
16 P. 43 Standard Statute
17 P. 51 Standard Statute
18 P. 25 Standard Statute
19 P. 27 Standard Statute
20 P. 45 Standard Statute

founders, in particular when they are public educational bodies (as is the case with state and municipal schools), **schools enact local regulations in accordance with the directions of their founders (who are usually educational governing bodies)**.

The status of the founder of an educational institution and the limits of its authority over the school are not clearly specified in legislation. Against a background of unclear legislative regulation, founders autonomously organize the principles of their interactions with the school. State and municipal school founders give themselves broad power in directing schools. As a result, principals often do not have the opportunity to make decisions autonomously and to establish policies within their respective schools. Frequently, state and municipal founders, viewing the schools they have founded as a grouping of homogenous and uniformly organized schools, do not take into account the particularities of individual schools when making decisions. Thus, the idea of school autonomy and self-governance laid down in the operating legislation comes to nothing in practice. The schools must coordinate all their actions, including all points of the school charter, with the civil servants from education officialdom. As a result, principals, due to pressure from the founders, are obliged to violate the human rights guarantees that have been established at the domestic and international levels.

The Primary Actors: Public Educational Bodies of Russian Federation Subjects (Committees, Departments, Regional Ministries of Education)

A single public body, a public body of a subject of the Russian Federation in the realm of education, is responsible for the control and supervision of education, licensing, and accreditation of educational institutions, as well as for fulfilling the role of an educational institution founder (including educational institution financing), despite the fundamentally different nature of these functions. Where the territory of Russian Federation subjects is divided into districts, the public body creates district subdivisions, known as District Public Education Authorities or DPEAs.

An example of this is the Educational Committee of the City of Saint Petersburg. According to the Statute on the Educational Committee, confirmed by Decree of the Government of St. Petersburg on 24 February No. 225,[21] the Educational Committee performs the following functions:

- Control over the implementation of legislation of the Russian Federation and of St. Petersburg regarding matters reserved to the Committee's jurisdiction (that is, in the realm of education);
- Implementation of the powers of the main administrator for funds from the St. Petersburg budget and of the state contractor of St. Petersburg according to established procedure;
- Financing of educational institutions and other organizations subordinate to the Committee;
- Creation, reorganization, and dissolution of educational institutions under the Committee's authority;
- Confirmation of charters for educational institutions created by the Committee, the appointment and dismissal of their directors, as well as the implementation of the powers of a owner of educational institution property;
- Coordination of decisions by the administrations of the districts of St. Petersburg that are founders of educational institutions regarding the dissolution and reorganization of educational institutions and the introduction of alterations to the charters of those institutions;
- Licensing of educational activity;
- Evaluation and accreditation of educational institutions;
- Organization and evaluation of pedagogical employees of educational institutions.

Thus, executive bodies of federal subjects of the Russian Federation in the realm of education simultaneously create, finance, license, and accredit educational institutions; they also evaluate teachers in educational institutions and implement supervision of legality in the activity of educational institutions. Endowing schools with the status of a juridical person with the token freedom to make

[21] http://www.spbustavsud.ru/printdoc?tid=&nd=8390289&prevDoc=8447272

decisions is only a formality; the real center of decision-making is the corresponding public body of the federal subject of the Russian Federation in the realm of education, and its district subdivisions (DPEAs).

While a school, in the person of its principal, is formally responsible for challenging any unlawful decisions made, the executive bodies of subjects of the Russian Federation in the realm of education, at whose instigation and under whose influence unlawful decisions are being made, do not bear responsibility for them. In this situation principals, as well as children, are also victims of the system.

Human Rights Guarantees in Russian Formal Education

Russian law establishes the general accessibility and gratuitousness of formal education,[22] prohibits discrimination related to exercising the right to education,[23] as well as the socio-economic conditions for the exercise of the right to education.[24] Russian law also guarantees to citizens of the Russian Federation the right to receive a basic general education in their native language, taking into consideration the capabilities of the educational system, for which the state is obligated to create the necessary amount of corresponding educational institutions, classes, groups, as well as the conditions for their operation.[25]

These guarantees were strengthened at the enforcement level in only two subordinate acts of the authorized public body, which are obligatory for state and municipal schools. They are the Letter of the Ministry of Education of the Russian Federation of 21 March 2003 No. 03-51-57IN/13-03 "Recommendations on the Organization of Entrance Into First Grade"[26] (hereafter Recommendations on the Organization of Entrance in First Grade) and the Letter of the Federal Service on Supervision in Education and Science of 24 July 2006 No. 01-678/07-01 "On the Right of Children to Education in the Russian Federation" (hereafter Law on Education).

Recommendations on the Organizing of Entrance Into First Grade states the following;

1. The instruction of children in educational institutions that implement programs of primary general education begins at the age of six years and six months in the absence of contrary health-related indications, but no later than the age of eight. On application of the parents (or persons replacing them), the founder of an educational institution has the right to permit the acceptance of children into the educational institution for instruction at an earlier or later age;
2. The entrance of children into first grade at state and municipal institutions of general education of all types may not be carried out on a competitive basis;
3. All children of school age shall be enrolled in first grade at an institution of general education regardless of their level of preparedness;
4. The entrance of children from refugee and forced resettler families may be carried out on the basis of the children's notation in their parents' internal passports and their written application indicating an address of actual residence, without considering the presence or absence of registration documents;
5. Foreign citizens have the right in the Russian Federation to an education on a par with citizens of the Russian Federation;
6. The school administration may only refuse to enroll the children of citizens (including those who do not live in a given territory) into first grade based on the absence of available places in the institution. In this case the municipal educational governing body shall provide

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[22] Art. 43 Constitution (http://www.constitution.garant.ru/DOC_11113000.htm); P. 3 Art. 5 Law on Education (http://en.russia.edu.ru/information/npb/fzakon/law/3266-1/index,2/)

[23] P. 1 Art. 5 Law on Education (http://en.russia.edu.ru/information/npb/fzakon/law/3266-1/index,2/)

[24] P. 2 Art. 5 Law on Education (http://en.russia.edu.ru/information/npb/fzakon/law/3266-1/index,2/)

[25] P. 2 Art. 6 Law on Education, P. 2 Art. 9 Law of the RF of 25 October 1991 No. 1807-1 "On languages of the Peoples of the RF" (http://www.mnogozakonov.ru/catalog/date/1991/10/25/9694/)

[26] http://www.spbustavsud.ru/printdoc?tid=&nd=901864751&prevDoc=902012778

parents with information on the existence of available places in institutions of general education in the given territory and ensure the enrollment of the children into first grade;

7. In order to enroll a child in first grade the parents shall present an application for acceptance, the child's medical card, and a certificate of the child's residence to the institution of general education."

The Letter on the Right of Children to Education states that the right to education in the Russian Federation is guaranteed regardless of place of residence and that the absence of registration cannot be a basis to refuse enrollment at an educational institution.

These do not ensure the implementation of human rights guarantees established in the Constitution and in the Law on Education, due to the following:

First, schools retain the right to refuse to enroll a child due to the lack of places, since 1) the number of places in the school is determined by the school itself in coordination with its founder and 2) there are no mechanisms that allow parents to verify the school administration's assertions that there are no places.

Second, the possibility of a child older than eight entering first grade depends on a decision by the school administration (which in turn depends on the public bodies), as a result of which children who have not begun school on time for some reason are deprived of the opportunity to receive a primary general education. Obviously, it is a provision in the Recommendations on the Organization of Entrance Into First Grade ("a founder has the right to permit the acceptance of children into the educational institution for instruction at an earlier or later age") that allows a DPEA to prohibit older children from entering first grade. It would seem that state bodies responsible for education (committees, departments, and ministries of education) should monitor the fulfillment of the guarantees of receiving an education for all children, regardless of ethnic background and age, but nevertheless they frequently not only fail to assist but even hinder the entrance into schools by Roma children. ADC "Memorial" is aware of individual instances where local public bodies permit the admission of Roma children of varying ages into first grade. Such a practice is sometimes employed when many children enter school at once who have never studied anywhere before (for example, in Troitsk, Chelyabinsk Province).

The Russian system of education permits adults to receive an evening education. This means that those who have not attended school in accordance with their age may compensate for the lack of education in the context of evening school. According to Point 15 of the Standard Statute On Evening (Shift) Institutions of General Education, confirmed by Decree of the Government of the Russian Federation of 3 November 1994 No. 1237,[27] "Where there is a group with a lower general educational level, instruction in an institution may be arranged at the level of primary general education." Unfortunately, the majority of evening schools do not create primary classes, but accept adults and older children only into secondary school. Even if people with an education lower than secondary apply to these schools, as a rule they are refused the right to receive an evening primary education.

Third, the formula "certificate of the child's residence" is a term without legal significance. Most institutions in Russia understand it as a requirement to provide a certificate of registration. The existence of this practice is confirmed by the demand of the Letter on the Right of Children to Education to cease discrimination against children on the basis of their registration. Nevertheless schools continue to demand a certificate of registration upon enrolling children which is, most frequently, stated specifically in their provisions for enrollment.

Fourth, these two acts contain norms for the implementation only of the guarantee that formal education be generally accessible. The guarantee of non-discrimination (specifically, in an academic setting) and the right to receive a general secondary education in one's native language remain without a mechanism of implementation. Since 1991, when the norm regarding native language was given expression in the Law on Education,[28] the state in particular has not introduced even the concept of teaching the Roma language in schools, let alone the use of Roma as an instructional language. The Russian Federation cannot rely in this respect on the absence of opportunities in the educational

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27 http://www.school.edu.ru/laws.asp?cat_ob_no=5959&ob_no=4402&oll.ob_no_to=

28 P. 2 Art. 6 Law on Education (http://en.russia.edu.ru/information/npb/fzakon/law/3266-1/index,2/)

system to ensure the right to receive an education in one's native language; eighteen years have already passed since this right was enshrined in the Law on Education.

International Legal Obligations of the Russian Federation Relating to Formal Education

The Russian Federation has international obligations to observe the following international treaties that contain obligations in the realm of education:

- The Convention Against Discrimination in Education[29]
- International Covenant on Civil and Political Rights [30]
- International Covenant on Economic, Social and Cultural Rights[31]
- International Convention on the Elimination of All Forms of Racial Discrimination[32]
- Convention on the Rights of the Child [33]
- Convention for the Protection of Human Rights and Fundamental Freedoms[34]
- Framework Convention for the Protection of National Minorities[35]

Article 2 of the International Covenant on Civil and Political Rights (hereafter ICCPR), Article 2 of the International Covenant on Economic, Social and Cultural Rights (hereafter ICESCR), as well as the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter Convention on the Elimination of Racial Discrimination) establish a general prohibition on discrimination. Article 13 of the ICESCR also speaks in particular of the right to education which, according to Article 2, should be exercised without discrimination. The Convention on the Rights of the Child also establishes in Article 28 the right of children to education, which should be exercised, according to the Preamble, without discrimination.

The Convention Against Discrimination in Education states in Article 1 that discrimination in education includes specifically (a) depriving any person or group of persons of access to education of any type or at any level; (b) limiting any person or group of persons to education of an inferior standard; (c) establishing or maintaining separate educational systems or institutions for persons or groups of persons, subject to the provisions of Article 2 of the Convention (separate educational systems for pupils of the two sexes if equal opportunities are offered, separate educational systems for religious or linguistic reasons if attendance at such schools is optional, and separate educational facilities if they are in addition to those provided by the public authorities). Further, Article 3 establishes the obligation of states to (1) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education (2) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions.

The Framework Convention for the Protection of National Minorities states in Article 12 that states shall promote equal opportunities for access to education at all levels for persons belonging to national minorities, including providing "adequate opportunities for teacher training and access to textbooks."

Finally, Article 2 of Protocol No. 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter European Convention) establishes that "No person shall be denied the right to education," while Article 14 of the European Convention establishes a prohibition on discrimination.

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29 http://www2.ohchr.org/english/law/education.htm
30 http://www2.ohchr.org/english/law/ccpr.htm
31 http://www2.ohchr.org/english/law/cescr.htm
32 http://www2.ohchr.org/english/law/cerd.htm
33 http://www2.ohchr.org/english/law/crc.htm
34 http://conventions.coe.int/Treaty/EN/Treaties/Html/005.htm
35 http://www.conventions.coe.int/Treaty/en/Treaties/Html/157.htm

All the above provisions of the international treaties to which the Russian Federation is a party reiterate for the most part the guarantees established in the Constitution of the Russian Federation. Meanwhile the obligation to take affirmative measures to eliminate the disparity in education between the majority of the population and the Roma is an international obligation of the Russian Federation, as compared with the guarantees contained in domestic legislation (affirmative measures are generally considered to mean increased attention to the most vulnerable groups of the population and additional financing of programs to improve the situation of these groups).

Thus, the Committee on the Elimination of Racial Discrimination has stated in its General Recommendation No. 27 (Discrimination Against Roma) that states must support the inclusion in the school system of all children of Roma origin and act to reduce drop-out rates, in particular among Roma girls, and, for these purposes, must cooperate actively with Roma parents, associations and local communities, and to consider adopting measures in favor of Roma children, in cooperation with their parents, in the field of education. Further, in its Concluding Observations with regard to the report of the Russian Federation, the committee recommended that the Russian Federation "carefully review the criteria by which children are allocated to special remedial classes and take effective measures to ensure that ethnic minority children, including Roma, are fully integrated into the general education system. [The Committee] further recommends that the State party ensure that local school officials admit all children, irrespective of ethnicity and registration status of their parents."[36]

The European Court of Human Rights in the case of D.H. v. Czech Republic,[37] and later in the case of Sampanis and Others v. Greece, found a presumption of discrimination on the part of the state. Additionally, the Court indicated that the state should provide special preferences for ethnic groups such as the Roma in order to convince them of the necessity to attend school. In the light of these determinations, a refusal to provide textbooks and transportation free of cost, when the Roma cannot themselves afford it, is equivalent to discrimination and constitutes a violation of Article 2, Protocol No. 1 of the European Convention.

The Committee of Ministers of the Council of Europe in its Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe called upon the states of the Council of Europe to conduct a special policy regarding the ensuring of rights of Roma to education and, in particular, to "make the Ministries of Education sensitive to the question of education of Roma/Gypsy children," "ensure better communication with parents," implement "educational policies in favor of Roma/Gypsy children," encourage the "participation of representatives of the Roma/Gypsy community… in the development of teaching material," and offer "opportunities to learn in the mother tongue" at school to Roma/Gypsy children.[38]

The Parliamentary Assembly of the Council of Europe in Recommendation No. 1557 (2002) "The legal situation of Roma in Europe" also called upon states to create a special regime for the purpose of ensuring rights of Roma to education, and in particular, to eradicate "all practices of segregated schooling for Romany children, particularly that of routing Romany children to schools or classes for the mentally disabled," to "develop and implement positive action and preferential treatment for the socially deprived strata, including Roma," to "encourage Romany parents to send their children to…school…, and give them adequate information about the necessity of education."[39]

The European Commission Against Racism and Intolerance of the Council of Europe (ECRI) in its General Policy Recommendation No. 3 "On Combating Racism and Intolerance Against Roma/Gypsies," adopted on 6 March 1998, recommended ensuring "that discrimination as such, as well as discriminatory practices, are combated through adequate legislation and to introduce into civil

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36 CERD/C/RUS/CO/19 22 September 2008, para. 27

37 D.H. and Others v. the Czech Republic [GC], App. No. 57325/00. This case concerned the segregation of Roma children in the city of Ostrava, Czech Republic. The authorities of the Czech Republic assigned Roma children to special remedial schools on the basis of tests that had been arranged and administered in a discriminatory manner. The first judgment, which was delivered by the Second Section in 2006 and did not find a violation of the Convention, was subsequently overturned in 2007 by a judgment of the Grand Chamber.

38 Quoted in D.H. and Others v. the Czech Republic [GC], para 55.

39 Quoted in D.H. and Others v. the Czech Republic [GC], para 56.

law specific provisions to this end, particularly in the fields of employment, housing, and education," taking "specific measures to encourage the training of Roma/Gypsies, to ensure full knowledge and implementation of their rights and of the functioning of the legal system," and vigorously combating "all forms of school segregation towards Roma/Gypsy children and to ensure the effective enjoyment of equal access to education."[40]

The Advisory Committee on the Framework Convention for the Protection of National Minorities has indicated in its Second Opinion on the Russian Federation that children from individual ethnic minorities, including Roma, do not attend schools in Russia. The Committee recommended that the Russian Federation allocate attention to the provision of textbooks and teacher training for the needs of ethnic minorities,[41] that it bring practice and regional and subordinate acts into conformity with federal legislation,[42] and that it include the study of the languages of national minorities within the school curriculum.[43]

Thus, international treaties that are binding on the Russian Federation reiterate, first of all, the guarantees indicated in the Constitution of the Russian Federation, and, secondly, contain an affirmative obligation by the Russian Federation to actively involve Roma in the educational system and materially ensure the rights of Roma to education. The Russian Federation in Article 15, item 4 of the Constitution established the priority of norms of international law for Russia over the provisions of domestic legislation.

Thus the **Russian Federation, along with its obligations to ensure a free and generally accessible formal education, to prohibit discrimination in ensuring the right to education, to create the socio-economic conditions for general formal education, and to ensure the provision of secondary education in one's native language, also bears the affirmative obligation to involve representatives of minorities such as Roma into the educational system and to provide Roma with the material components for exercising their right to education**.

Discrimination
In the Context of the Russian Federation's Domestic and International Obligations

Discrimination against Roma children in Russian schools occurs by various means, of which the following can be considered the most characteristic:

1) refusal of school enrollment;
2) formation of separate classes for Roma children within the same grade;
3) placement of Roma children into compensatory education classes or special remedial classes;
4) lack of opportunity for Roma children to progress to the next grade at the beginning of a new school year; the so-called "perpetual first grade" which contains all Roma students in the school, regardless of age;
5) non-action by the state regarding its obligation to actively involve Roma children into the educational system and to create the socio-economic conditions for this to occur;
6) non-action by the state regarding its obligation to provide a formal education in the native language.

Schools have fairly broad opportunities to refuse enrollment. The most "convenient" basis for refusal is lack of places in the school. As indicated above, schools determine the number of enrollment spaces autonomously and develop a Statute on student enrollment autonomously. It is difficult for parents to verify whether places are truly lacking. Even upon the filing of a petition to declare illegal the refusal of entrance into a general education institution, plenty of opportunity exists to formulate an evidentiary basis sufficient to confirm the stated basis for refusal.

Refusal in connection with a lack of registration remains a legal problem in connection with the clearly expressed ambiguity of legal regulation of formal education, and where proclaimed legal

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[40] Available at http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N3/Rec03en.pdf

[41] http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_RussianFederation_en.pdf; ACFC/OP/II(2006)004, para. 223.

[42] Ibid., para 230

[43] Ibid., para 238

guarantees do not correspond to the policies of school founders, including state and municipal founders. Thus, with knowledge of the existing position of the Ministry of Education as expressed in its Letter on the Right of Children to Education, schools continue to confirm Statutes on enrollment that contain the requirement that a certificate of registration be provided upon enrollment. This is also furthered, in particular, by the requirement established by the Recommendations on the Organization of Entrance Into First Grade to provide a "certificate of the child's residence." Refusal of enrollment may also occur due to lack of places, rendering the demonstration of discrimination based on registration impossible.

The European Court of Human Rights has called a similar legislative situation a "low quality of law,"[44] terming this latter a legal contradiction of the spirit of the law. The law, in the Judge's opinion, should indicate the scope of the discretion conferred on the competent bodies and the manner of its exercise with clarity that is sufficient to give an individual adequate protection against arbitrary interference (see, among other authorities, *Huvig v. France*, 24 April 1990, §§ 29 and 32, Series A no. 176-B; *Amann v. Switzerland* [GC], no. 27798/95, § 56, ECHR 2000-II; and *Valenzuela Contreras v. Spain*, 30 July 1998, § 46, *Reports of Judgments and Decisions* 1998-V). Thus, provisions of Russian legislation demonstrate low quality with regard to the protection and securing of the rights of everyone, and of Roma in particular, to education.

The creation of separate "Gypsy classes" within the same grade is completely within the competency of the school itself, since issues of class formation and assignment of students to them are regulated exclusively by the schools' local internal acts. Article 1 of the Convention Against Discrimination in Education points to the discriminatory nature of segregating groups of students in a single class for reasons unrelated to justifiable instructional interests.

According to Point 29 of the Standard Statute, compensatory education classes may be opened in an institution of general education, in coordination with a founder and considering the interests of parents (persons replacing them). The transfer of children into classes of compensatory education is carried out on the basis of internal testing within the school or with the participation of educational governing bodies. Further, according to Point 30 of the Standard Statute, educational governing bodies, in coordination with a founder, may open special (remedial) classes for handicapped students in an institution of general education. The transfer (assignment) of students into special (remedial) classes is carried out by educational governing bodies only with the parents' consent (persons replacing them) upon the completion of a psychological-medical-pedagogical commission. Although the procedures for forming compensatory education and special remedial classes differ in some respects, these two processes have one feature in common: their lack of accountability to the parents and the difficulty of appealing the conclusion of the Psychological-Medical-Pedagogical Commission, and, even more so, the results of internal school testing for children in compensatory development classes. Related to this is the problem of the "perpetual first grade," which is directly prohibited by Article 1 of the Convention Against Discrimination in Education.

The authorities could explain the predominant assignment of Gypsy children to a special class (in the event Gypsy classes are created) or to a compensatory education class, or to a special remedial class, as coincidental. Nevertheless, unofficial statistical data were presented in the European Court in the case of D.H. v. Czech Republic, according to which approximately one-half of all children who study in remedial schools were Roma, while the portion of Roma children who study in typical schools was negligible. This was sufficient for the Court to find a presumption of discrimination by the state which the state was required to disprove.[45]

Additionally, in the procedure for forming and operating compensatory education or special remedial classes, particular attention is allotted to the consent of the parents, which places on them a portion of the burden of decision-making on this issue. Nevertheless, as was specifically demonstrated in D.H. v. Czech Republic, the parents' consent is a necessary but not a sufficient condition for the legality of a child's assignment to a remedial school**.** Roma, as a people in specific circumstances, may

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[44] Bykov v. Russian Federation [GC], App. No. 4378/02, para 78.

[45] D.H. and Others v. the Czech Republic [GC], App. No. 57325/00, para. 194

fail to realize the significance of their consent and lack the opportunity to challenge the psychological tests on which basis their children's transfer into remedial schools is being proposed.[46]

Finally, regardless of the special recommendations of the Committee on the Elimination of All Forms of Racial Discrimination and the Advisory Committee created to monitor the implementation of the Framework Convention for the Protection of National Minorities, programs to actively encourage Roma into the educational system, and in particular to provide Roma children with study materials at no cost, are not being conducted in the Russian Federation. Meanwhile, the European Court in the case of D.H. v. Czech Republic noted that the Czech Republic had not complied with the recommendations of the Consultative Committee that was created to monitor the implementation of the Framework Convention for the Protection of National Minorities.[47] This means that the Russian Federation has a legal obligation to act in accordance not only with the provisions of the conventions it has ratified, but also with the recommendations of the international institutions who have spoken more directly, as demonstrated above.

The differing forms of how Roma children are placed into a single class, regardless of their basis, constitutes de facto segregation, which was prohibited by the European Court in D. H. v. Czech Republic. Such segregation is often carried out with the parents' knowledge and consent. Schools utilize parent assemblies to legitimize their decisions. The Standard Statute sets forth the rights of parents to "defend the legal rights and interests of their children," which is a fairly general description of parental rights.[48] It is not clear how these parental rights, which are multi-faceted in scope, correlate with the rights provided to the children themselves according to Article 9 of the Federal Law "On Basic Guarantees of the Rights of the Child in the Russian Federation,"[49] in particular the right to the creation of a self-regulatory organization, the right to demand that an employee of an educational institution be held accountable, and the right to appeal to an authorized state body. The parents' opinion, however, should obviously not be determinative of the issue of segregated education of children, as was also stated by the European Court.

Thus, the legislation of the Russian Federation does not meet the requirements of obligatory and recommendatory international acts in the area of protection against discrimination in education. Moreover, the guarantees of receiving an education and protection from discrimination that have been established by law require further development in subordinate acts and in implementation, and as a result they remain for the most part undeveloped and inactive to the present day. A similar legal situation permits school administrations to discriminate against Roma children with regard to the right to education, including by the assignment of Roma children into classes for the mentally retarded based on arbitrarily provided medico-psychological tests. The Russian Federation lacks the policy and procedures required by international bodies to ensure the rights of Roma to education. It also lacks affirmative supplemental measures to involve Roma in education.

All these circumstances were found by the European Court in D.H. v. Czech Republic to be a violation of Articles 14 and 2 of Protocol No. 1 of the European Convention.

Segregation of Roma Children By Assignment to "Compensatory Education Classes"

In many schools the separation of children by ethnicity and the lower quality of education received by Roma children is carried out by transferring all Roma children into classes of "compensatory education," which allows the unequal position of children in school to be legally formalized. This method was most fully studied in School No. 66 in the city of Tula, where the parents of Roma students were incensed by the low educational quality at the primary school, by the practical refusal to accept their children into secondary school, and by the blanket assignment of all students

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46 Ibid., para. 203

47 Ibid., para. 79

48 P. 59 Standard Statute.

49 http://www.rospotrebnadzor.ru/documents/zakon/952/

from the Roma settlement into CE classes. The parents' appeal to human rights activists and consequently to the court allowed the fullest possible documentation of this particular situation (apparently very typical for other schools as well), which provides a vivid illustration of this sort of discrimination.

In 2009 ADC "Memorial" took a series of steps to resolve the situation surrounding the instruction of Roma children in segregated classes at School. No. 66, a general educational school in Tula. Suits from several Roma families for compensation of moral harm in connection with the violation of the children's right to education and the right to the inviolability of private and family life by denigration of national dignity were submitted to the District Court of the city. After the Court dismissed the claims without considering the merits at the trial and appellate levels, a complaint to the European Court of Human Rights was prepared and filed in December, 2009.

Compensatory education (CE) classes for Roma children. Many generations of Roma living in the village of Kosaya Gora of the municipal district of Tula received their education in separate "Gypsy" classes at Municipal General Education School No. 66.

According to the data of ADC "Memorial,"[50] a long-standing practice of forming such classes at the primary education level from first through fourth grades has arisen here. A compensatory education class of Roma children was formed within each grade by violating, as a rule, the established norm for age (an age difference no greater than five years between classmates) and the norm regarding class size (exceeding the permitted number of students).

Enrollment Into First Grade. Upon registration in first grade all Roma children, and exclusively Roma children, are automatically assigned to a compensatory education class by order of the principal. Although officially the Order of the Ministry of Education of the Russian Federation of 8 September 1992 No. 333,[51] which confirmed the Model Statute on Compensatory Education Classes in Institutions of General Education, requires that registration occur according to the results of a medical examination and with parental consent, the school administration has clearly disregarded these rules. Parents received no information on the details of instruction in CE classes and signed no applications to register their children there. Some of them remained unaware for the duration of the children's time in primary school that their children were receiving instruction in separate classes. It is also doubtful that the school administration was governed by medical indications established during a medical examination when selecting children for compensatory education classes, as is whether such documents were presented to the school at all. In response to the demand by human rights activists that joint education of Roma with other children be arranged, Assistant Principal for Academics and Education Elena Sergeevna Ivanova objected: "What you say would be a miracle, that they all could do equally well together. Of course not; I have a first grade Russian class now and there's only one child who doesn't know the alphabet, the rest are reading. Can you imagine placing Roma children in there? How will they feel? I'd rather place them in a separate class and teach them to read. I'll start with the letter A, from the very beginning."[52]

Psychological and Pedagogical Diagnosis. Children's promotion to the next grade, like their enrollment in first grade, is left at the complete discretion of the school and of the specialists of the psychological-pedagogical center that carries out examination (diagnosis) of the children and makes recommendations for their future education. During the instructional period Roma children are supposed to undergo a psychological-pedagogical examination with parental consent twice over the course of the school year. However, there are reasons to surmise that they don't take place at all. Thus, for several Roma children from School No. 66 no documents were found at all that confirmed parental consent to diagnosis. The children themselves could not confirm it had taken place either. In other instances documents were formulated and school representatives and specialists, to all appearances, circumvented legal requirements by falsifying the parents' signatures. Thus ADC "Memorial" has in

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[50] Research trips during 2006-2009, including interviews with parents, children, and employees of schools and the local education committee.

[51] http://www.minobraz.ru/sistema_obrazovanija/special/docf372/

[52] Meeting between experts from ADC "Memorial" and the school administration, January 2009.

its possession a standard consent form for diagnosis which bears parental signatures that have been falsified.

Segregation. The position of the school and of the specialists from the psychological-pedagogical center was unanimous. Not one Roma child was registered or transferred from a compensatory education class into a typical class and, accordingly, no non-Roma children were assigned to compensatory education classes.

The systematic violation of the rules for assembling classes resulted in the effective formulation of a system of divided instruction for Roma and children of other ethnic backgrounds.

The school administration often directly opposed the transfer of Roma children into typical classes. However, according to the above-cited Order of the Ministry of Education of the Russian Federation, instruction in compensatory education classes is a temporary measure, since the issue of the future instruction of students attending said classes should be decided during the first year of instruction both for children who progress and for those who do not. The insufficient acquisition of academic skills by a student, as demonstrated by examination, suggest not that the student should spend many years in compensatory education classes, but that the administration should take other measures. But for Roma in School No. 66 children compensatory education classes were the only form of education. Not one child was transferred into the typical class, and not one child received lessons capable of improving his performance.

An additional practice was noted in the school. When there were not enough students to form a Gypsy grade in the new school year, children remained in their Gypsy class for a second year or were forced to miss a year.[53] As a result instruction in primary school for some of them was extended until the age of eight.[54] In the 2007-2008 school year under pressure from ADC "Memorial," some Roma children were returned to the school and continued their education in fifth grade in the middle of the school year. However the following year the situation occurred again, and classes for the next older grade were not opened.

Violation of the Right to Education. The violations in forming compensatory education classes have been supplemented by violations in the educational process. The distinguishing characteristics of education in these classes, which consist of creating supplemental conditions for instruction, have been ignored by the teachers. In accordance with legislative requirements, the educational program and curriculum corresponding to those in typical classes should have been supplemented by in-class and out-of-class lessons with teachers and psychologists under simplified conditions. On the contrary, in a number of instances instruction in Gypsy classes at School No. 66 occurred during the afternoon shift. A number of subjects taught in typical classes were excluded from the curriculum, such as English. The fundamental subjects (Russian, in particular) were taught in a substandard fashion. Thus, not only did children not receive supplementary lessons but were also deprived of instruction according to the basic program. For the entire period instruction Roma children were limited in their interactions with schoolchildren of other ethnic groups. Instruction during the afternoon shift and the absence of general school celebrations gave many of them the impression that they should learn separately. Even those parents who realized the inefficacy of the instruction nevertheless did not attempt to obtain their children's transfer into typical classes, but considered separate education better for their children.

Racism and Discrimination. The practice of isolating Roma children into compensatory education classes has long been supported by principals, teachers, and specialists responsible for conducting diagnosis of the children. The Statute on Compensatory Education Classes, adopted by the administration of School No. 66 in 2006, demonstrates the openly discriminatory attitudes toward Roma children and reveals the real reason behind separating the children to be ethnic since it envisions that "compensatory education classes shall be created for students of Roma ethnicity."[55]

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[53] Luiza Mikhaj (born 1994) attended fourth grade twice (in the 2005-2006 and 2006-2007 school years); in 2007-2008 she attended fifth grade; in 2008-2009 she attempted to enter sixth grade but was not permitted on the grounds that nobody had registered for a sixth grade Gypsy class.

[54] Interview with Rustam Mikhaj, father of Yury Mikhaj (born 1995), who began his education in 2002 and is attending fourth grade for the third time in 2009-2010.

[55] The Statute on Compensatory Education Classes of School No. 6 was confirmed by the Teachers Council of the school on 30 August 2006.

In ordinary language, teachers have often demonstrated a prejudicial and degrading attitude toward the children in interactions among themselves and with the children: "Gypsy children cannot study with other children because they are different; they speak Gypsy amongst themselves." One of the students, whose parents have filed a court case, was told openly by their class's teacher: "Go home, we're not having a class for Gypsies next year."[56] The attitude of the school community to children from Roma families is supported by specialists upon whose recommendations the children's future education depends. The procedure for diagnosis is carried out superficially and the standard conclusion (low level of present development with underlying social deprivation, bilingualism) is "re-stamped" from document to document, clearly ignoring the individual characteristics of the children.[57]

Court Proceedings. For an extended time the educational situation of the Roma developed without alteration. After several appeals to the administration were assembled, four families filed suit with the district court in March, 2009 regarding violations of the right to education, the right to inviolability of personal and family life, and the denigration of the children's national dignity, with a demand for compensation of moral harm. The plaintiffs requested that compensatory education classes for ethnic Roma children be recognized as an expression of racism and segregation and as discrimination based on ethnicity.

The judges demonstrated a lack of objectivity from the beginning of the court process. Despite the filing of motions, the cases were not consolidated but were reviewed separately, which only hindered the work of the representative. The data and references to the decision of the European Court of Human Rights in the matter of *D.H. and Others v. the Czech Republic* [GC][58] to the Court, in which the assignment of Roma children to special schools was recognized as a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe in 1950, was not taken into consideration. As a result, the legal proceedings in all the cases concluded by being discontinued. The judges did not address the merits of the claims but focused their attention on issues of formulating documents. By their actions in this situation they only confirmed the widespread practice by public agencies and public officials of refusing to recognize the fact of ethnic discrimination and to consider cases of discrimination on their merits.

This is also demonstrated by the arguments the judges used in rendering their decisions; for example, by referring to the illegibility of the plaintiffs' signatures. In another instance the basis for refusal was clearly contrary to law. The judge required the payment of state fees which, in accordance with the federal law "On Basic Guarantees of the Rights of the Child in the Russian Federation" of 24 July 1998 No. 124-FL, are not assessed when a court is reviewing a case on the protection of children's rights.[59].

The appellate division confirmed the decision of the district court with regard to all but one plaintiff. This instance is a notable example of discrimination. It involves a boy from a Roma family who was enrolled in a compensatory education class; however, he was not of Roma origin. He had been adopted by a Roma family after birth, is being raised in a Roma family, lives in a Roma village, has a Roma last name, and considers himself to be Roma. The school administration, to all appearances, initially registered him in a compensatory education class on the basis of his last name alone. His situation constitutes discrimination on the basis of attributed membership in an ethnic group. This case had chances for a successful outcome after the case was sent back to the district court for review. However, to all appearances, pressure was placed on the plaintiff from the very beginning and he decided to dismiss the case. It cannot be ruled out that in these situations representatives of public authorities utilize every possible method of pressure, taking the overall disadvantaged social position of Roma families into account, particularly as relates to issues of non-formalized rights to land parcels, dwellings, and the absence of registration at one's place of location or residence. Thus, when

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[56] Interview with Chernyavka Mikhaj, mother of Luiza Mikhaj (born 1994), January 2009.

[57] Similar conclusions regarding the children were provided in the reports of the Psychological-Medical-Pedagogical Council that recommended instruction in compensatory education classes.

[58] No. 57325/00, ECHR 2007-XII.

[59] http://www.rospotrebnadzor.ru/documents/zakon/952/

complaints were undergoing court review, several of the plaintiffs' families received a summons to a commission on juvenile affairs.

In the course of judicial review of the case, the situation surrounding Gypsy classes attracted the attention of the mass media and the public authorities, forcing the school to take a series of measures. At the present time students from the Gypsy class study in fifth grade together with other children. At the beginning of the 2009-2010 school year, representatives of the school administration attempted to resolve the issue of obtaining consent to instruction of children in Gypsy classes. They visited a Gypsy class during one of the lessons and asked the children whether they wished to continue studying in a compensatory class, to which the children of course agreed. The opinion of the parents was again not considered.

Based on the results of proceedings in the courts of the Russian Federation, in the course of which the violation of plaintiffs' rights and discrimination based on ethnicity were not acknowledged and rights were not restored, attorneys from ADC "Memorial," in partnership with the Open Soviety Justice Initiative, prepared and submitted a complaint in December, 2009 to the European Court of Human Rights for violation of Protocol 1, Article 2 (Right to Education), in accordance with Article 14 of the Convention (Right to Non-Discrimination), Article 8 (Right to Respect for Private and Family Life), as well as Article 13 (Right to Effective Remedy) of the Convention.

Division of Children Exclusively on an Ethnic Basis: "Apartheid" of Roma in School

No matter how odious from the human rights point of view the attempts to label all Roma students in a school as requiring compensatory education, as distinct from all the other students of other ethnicities, seem to be, the situation is even worse where there is no attempt to mask racism and segregation. In a number of schools Roma children are placed without any formal justification in separate classes or even buildings, which were usually not intended for educational purposes, such as workshops, boiler rooms, and laboratories, in order to simply "plant" undesirable children as far as possible from the others. In schools attended by a small number of children from Roma settlements, attendance often suffers due to students' disillusionment in the school. "All-age" classes for Roma are sometimes created where all the younger students go and do not advance for years, until they finally quit school entirely.

The organization of primary and secondary education in the settlement of Nizhnie Oselki, 50 kilometers from St. Petersburg (Vsevolozhsky District, Leningrad Province) is a flagrant example of school segregation. In this school a comfortable building equipped with everything necessary for study, with 20 classes headed by 20 teachers, has been set aside to teach less than a hundred Russian children, while the majority of students (over one hundred), who are children of Roma background, are taught in a tiny structure built for industrial use, where only 3-4 teachers provide their education.

The Roma settlement in Peri (3 km. from Nizhnie Oselki) has existed since 1972. There are around 130 homes/families in the settlement, around 1300 residents (as of 1 January 2008 there were 1192 individuals registered with the settlement administration), and around 500 school-age children.

From the moment the *tabor* (Roma settlement) arose, Roma children have studied in separate Gypsy classes and even buildings, at first in a wooden building near the Oselki school, then in a separate building at the Leskolovo school (according to the administration, the building was specially built after a lice epidemic occurred among the Roma children), then in a building that formerly held workshops of a military base in Nizhnie Oselki. According to the administration, the transfer of Roma children from the Leskolovo school to the Oselki school occurred at the request of Roma parents after

an incident when a bus with children stalled at a crossing and was almost crushed by a train).

In the 2008-2009 school year there were 108 Roma children studying in a separate building that belongs administratively to the Oselki school: 24 in first grade, 22 in second grade, 22 in third grade, 20 in fourth grade, 16 in fifth grade, and 4 in sixth grade).

Integrated instruction is not practiced at the Oselki school. Grades one through four are placed in a separate building, and lessons in fifth grade are partially conducted inside the "Russian" school, but also separately. According to the administration there is only one requirement of the children that prohibits joint instruction: compliance with sanitary norms (cleanliness, change of footwear, the absence of lice). Numerous appeals to the local educational committee by indignant Roma parents have only led to their being offered to "immediately transfer those Roma into the Russian class who do not wish to study separately." In practice this resulted in acceptance into a typical first grade class for one month of only one child from the "Gypsy" school (in April, 2009). After the very first month of "joint instruction" it became clear that the Roma girl was experiencing great difficulties in adapting, which no one was assisting her in overcoming. The parents were urgently advised "in the interests of the child" to remove her from the typical class (where there were only seven students!) into the Gypsy class (where there were 24), which was done in September of 2009. No further attempts to bridge the segregation were undertaken.

As a reason for separate instruction, the administration also called upon the opinion of several Roma parents who desired their children to study separately from the rest. However in reality integrated instruction is impossible, not only because the teachers or the parents do not desire it, but also because of the low quality of education that Roma children receive. As the teachers say, "they need an extra year." And despite standards the children are for the most part barely producing passing work.

The Oselki school's status as a village school permits the opening of a class if at least 14 individuals are registered in it. The number of students in Gypsy classes, however, significantly exceeds this threshold. It is doubtless very difficult for a first grade teacher to work with 24 children who have come to school unable to speak and understand Russian well or to firmly grasp a pen and pencil. However, the administration does not utilize the opportunity to create classes with smaller enrollment. Instead it prefers to teach seven students in the "Russian" first grade and 24 in the Gypsy class. In this instance the signs of discrimination are clear, not only as regards the children but as regards the teachers of Gypsy classes as well. Clearly they must exert greater effort to teach such a challenging population of students.

Until recently Roma children completed their education at the primary school level without advancing to the secondary level. Three years ago, however, graduates of the primary school were nevertheless offered the opportunity to continue their education, again in a separate Gypsy fifth grade. In September of 2008 the administration refused to accept a few sixth graders into school, explaining this by there being too few of them to open a separate class. The possibility of integrating them into the "Russian" class was not even considered. Under pressure from human rights activists and the district educational committee, the children were accepted all the same, although the girls who arrived were not listed in the registration book ("they were already betrothed"). According to the school administration, 10 out of 14 current sixth graders were planning to attend seventh grade and were supposed to be included in the "Russian" class. There were plans to promote four individuals from the seventh to the eighth grade (11 seventh graders arrived at the school in September 2008).[60] In the 2009-2010 school year, however, integration did not occur. On the contrary, the sixth and seventh grade Gypsy classes were combined.[61]

One can say that the school lowers requirements, considering this to be a positive thing, instead of strengthening instruction by using supplementary assignments and motivating the parents. Roma children are not given homework, cannot take textbooks home, are not required to arrive at the usual time (8:30), allegedly in order to accommodate the parents, and English has not been taught in a long time, which the administration explains by the lack of a teacher. The Principal N. A. Galakova directly

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60 Interview by ADC "Memorial" with Z. G. Tsareva, Vice-Principal of the Oselski school, May 2009.

61 Interview with sixth-grade student L. Mikhaj, January 2010.

stated that teachers "alter the program."[62] The result of such instruction is that Roma children cannot integrate into the "Russian" class and continue their education in secondary school in an integrated manner.

The school administration frequently cites the violation of sanitary norms (lice) by Roma children as a reason integration is not possible. However no measures to address the problem of lice at the school level are undertaken.

It is worth emphasizing in particular that the situation whereby Roma children have been studying separately for years and not receiving adequate education is well-known to the local educational governing body and, moreover, is considered by officials to be a normal situation and the only possible one. Thus, for example, during a meeting between the school administration and representatives of ADC "Memorial" on 6 February 2009, Olga Vladimirovna Karvelis, the Vice-Chair of the Educational Administration Committee of the Vsevolozhsky Municipal District of Leningrad Province, was convinced by fairly dubious arguments in favor of the present situation that were presented by Vice-Principal Z. G. Tsareva (the impossibility of starting school at 8:30; the desire of the least motivated and educated parents to educate their children separately; the transfer of students of secondary school into an "individual educational track" with school attendance occurring 1-2 times a week, and so on). The numerous requests by human rights activists to integrate Roma and Russian children have never found support. When employees of ADC "Memorial" demanded that the Roma first grade that contained 26 students be at least divided into two smaller classes, O. V. Karvelis stated that it was impossible since each class must have at least 14 students, and even demanded we "stop classifying children into Roma and non-Roma." At the same time she considered it valid that the "Russian" class contained only seven first-graders and explained that "fewer children registered for the Russian class."[63] Thus, despite the Educational Committee having sometimes accommodated the proposals of human rights activists, one can speak of inaction and tolerance of discriminatory attitudes toward Roma children.

Unfortunately such support for discrimination on the part of state institutions that are responsible for observing the education law is widespread, and similar instances are also encountered in other regions.

The "Gypsy Class" for Children of Varying Age and the Duration of School Attendance

The practice of "school apartheid" is also exacerbated by the placement of all Roma children into one class regardless of how long they have been attending school (whether for the first time or whether it is their fourth year in the same class). These sort of classes arise in different cities and settlements. Their existence can sometimes be justified only in the first year of study by new arrivals of varying ages who do not speak Russian and are completely illiterate (and who have suddenly arrived from somewhere else). Unfortunately this routine often lasts many years. Once children study in such a class, they usually remain in it year after year without acquiring even elementary reading and writing. The creation of such classes is often explained as the wish of the Roma parents themselves, "so the children will be together." However, experience shows that those parents who approved of segregation at the beginning (as a rule due to safety concerns), quickly become disillusioned with the quality of learning in the "Gypsy class," and as a result the children stop attending school at all. It is worth noting that under no circumstances does the consent of the parents to the violation of their children's fundamental rights constitute a basis for not complying with the law by state institutions, including schools, educational committees, and the local administration.

[62] Address by N. A. Galakova at the roundtable "Problems of Educating Roma in Russia Under the New Educational Legislation," which took place on 7 April 2009 at the Federal Institute of Education Development (FIED) in Moscow.

[63] Telephone conversation between experts from ADC "Memorial" and O. V. Karvelis, April 2009.

Settlement of Nizhnie Vyazovye, Zelenodolsky Region, Republic of Tatarstan

Approximately 60 school-age children live in this small Roma settlement not far from Sviyazhsk; however, 13 Roma students are registered in school. They are all placed in the same building. A sign on the door reads "Gypsy class." One teacher leads lessons for children of all ages at the same time, using the program for all primary grades (paradoxically, in official documents this is the fourth grade class 4B). This situation arose about around ten years ago. The current principal, Gulfia Agzamovna Salakheeva, stated to human rights activists with complete certainty that such a class is the only possible form of study for local Roma. It is impossible to create a separate grade-level class for primary classes for Roma children—from first to fourth grade—since there aren't enough students to assemble an entire class, and to divide the Roma among the general classes will not work for two reasons: the Roma students themselves do not wish it ("The Gypsies themselves believe in studying with their own"); and the other children's parents also oppose it (including because there had been instances of Roma children ill with tuberculosis, who subsequently recovered).

According to the principal, during these years there have been three instances where Roma children advanced to fifth grade, and they all ended the same way, with the fifth grader either keeping up with the other students for a month or two and then leaving school entirely, or with the children returning to the Gypsy class and spending another six months to a year there before leaving for good.

The school teachers deny the possibility that Roma children do not advance to fifth grade due to poor preparation in primary school. It is asserted that Roma children are taught the same subjects as the rest, and that even English is taught (which was introduced into the educational program in the 2008-2009 school year). As the administration asserts, Roma children have good marks in the record book.[64]

But the Roma themselves have a different view of the situation. Several parents have expressed disapproval of separate education in meetings with human rights activists, since they realize their children do not learn as well as the rest and the good grades do not deceive them. In reality even those who attend school for four years read very poorly and cannot understand what they have read. According to the children, they are not taught English. They spoke very warmly of their teacher but were unhappy with the attitude of other teachers. The children also noted the negative attitude toward them by the non-Roma children.

Roma students are upset by the fact that they are not permitted out of the class during breaks (even though the Gypsy class meets during the afternoon shift) and are not allowed into the school bathroom. The principal denies this, saying that nobody forbids them from going into the bathroom, but that the children "are simply used to running to the bushes in their settlement, and that's what they do here."[65]

ADC "Memorial" officially requested the administration of Zelenodolsky District to monitor the issue of the violation of Roma children's rights.[66] In answer, human rights activists received a letter (4 1/2 months later) from the Board of Education with assurances that Roma children have the very same opportunities and rights in school as all the rest. To the letter was attached the minutes of a parent assembly where the issue of joint instruction of all the Roma children in class 4B had been presented to a vote. The 12 Roma parents present voted unanimously that their children should all learn in one "all-age" Gypsy class. What is even more peculiar (considering the abject poverty of the families), they refused to accept the material assistance offered by the administration "to provide the children with gym clothing, footwear, and other necessities."[67] The issue of the legitimacy of the decision of segregation in school, which was adopted by vote at a parent assembly, will be discussed during future cooperation between human right activists and local authorities.

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[64] Interview by experts from ADC "Memorial" with the school principal, G. A. Salakheeva; telephone conversation with S. N. Vanyashina, teacher of the Gypsy class, January 2009.

[65] Interview with L. Mikhaj, A Mikhaj, and B. Mikhaj, children, and with their parents, January 2009.

[66] Letter of ADC "Memorial" to E. V. Nagumanova, Director of the Board of Education of the Zelenodolsky Municipal District, Republic of Tatarstan, 8 July 2009.

[67] Reply of E. V. Nagumanova to ADC "Memorial"'s Petition No. 3932/1 of 16 November 2009. Minutes of the Parent Assembly of 4 September 2009.

Yaroslavl (settlements of Sokol and Lipovaya Gora)

Fifteen Roma families are enumerated in the settlement of Sokol, including approximately 80 children. In the 2007-2008 school year 12-15 children from ages 8 to 14 attended school, where they all studied together in a separate first grade. The small number of subjects there were—writing and mathematics—were taught by one teacher. All the children were accepted into school without regard to registration. The instructional materials were not distributed in school, and the school suggested the parents purchase the books themselves. By the end of the school year three children from ages 11-12 remained in the Gypsy class. They were transferred into the general class (also into first grade) where they finished the year.

Most of the children ceased attending the Gypsy class 4-5 months after the start of the school year for a variety of reasons. First, both the parents and the children were unhappy with the quality of the education. Second, the learning conditions were not only uncomfortable, but unsafe. The desks were brought into an auxiliary building next to the school, where a hot-house or a boiler-room was located that was in poor condition, and there the Gypsy class was set up. The children in it were isolated from the other students. At the school itself it was explained that there was no place in the building for the Gypsy class. Valery Bombaj, a settlement representative, believes that joint instruction is better for the children than a separate class.[68]

In the small settlement of Lipovaya Gora live 20-25 children of school age, but only eight children from the most financially secure family attend school. In September 2009 the parents had planned to register all the children in school on the condition that a Gypsy class would be created for them. The community leader considers this better, "so the Roma children won't bother the others and will learn Russian. And in fifth grade they can join the rest." The school administration did not agree with this and proposed the children enter only integrated classes. Settlement leaders feared the children would not be accepted into the school without registration.[69]

Similar forms of segregation are practiced in other places as well.

In Batajsk (Rostov Province), where there is a large Roma population, 36 Roma children have been assigned to School No. 4 (86 Belorusskaya Street) with enhanced study of individual subjects, but according to the Roma parents no more than 10 Roma children actually attend this school, and the parents are not pleased with the level of education. "They teach them poorly, the quantity stays the same, but there is no quality whatsoever."[70] Apparently the Roma children registered there studied separately on the grounds of an EBC (Eco-Biological Center) which contained a Study Support Center that had been opened by Secondary School of General Education No. 1, and which was attended by non-resident and correspondence students. Lessons here occur only in the afternoon and evening. Roma parents express a great desire to teach their children (there were 280 children who do not attend school in a list they compiled), but they prefer the school be located right in the *tabor*. They suggested the local administration purchase a large house from them and organize a school in it, but this option was declined for lack of funding. The administration of Batajsk informed ADC "Memorial" of this, indicating the EBC was an instructional option for Roma children;[71] however they had previously been offered segregated instruction in the afternoon and evening shifts.[72]

The settlement of Arsaki (Alexander District, Vladimir Region) contains approximately 30 Roma houses. The Gypsy class for the 2007-2008 school year held 12 children of varying ages. According to the parents, without registration the children are not accepted into school: "At first they wouldn't take them at all because they're Gypsies. Then we started a war in the Village Council. And

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68 Interview by experts from ADC "Memorial" with Valeriy Bombaj, May 2008.

69 Interview by experts from ADC "Memorial" with T. Markovich, May 2008.

70 Interview by experts from ADC "Memorial" with community leader Dzhoni Mikhajlovich Afanasiev, June 2009.

71 Reply of T. A. Gagatsev, Deputy Director of Social Issues of Batajsk (No. 36-4/4 of 3 July 2009) to the Petition of ADC "Memorial" of 16 June 2009.

72 Interview by experts from ADC "Memorial" with Lyudmila Ivanovna Berlim, Director of the Board of Education of the Administration of Batajsk, 3 June 2009.

now it's like this: they study for four years, all first grade. They don't teach our children like they do the Russian ones; they use a different system." A boy named Sajmir complained he doesn't attend school, although he's lived in Alexander District for eight years already; they won't accept him into school because he was born in Odessa and doesn't have an internal passport and registration.[73]

In Pashino (Novosibirsk Region) approximately 80 Roma children live in the community, and none of them go to school. Several years earlier a Gypsy class had been organized in School No. 46 for all children, with a corresponding sign on the door. The children were instructed by an elderly retired teacher. The parents viewed the segregation negatively, considered it demeaning for their children, and demanded a transfer into the Russian classes. Once a boy by the name of Burzhuj was transferred at his family's demand into the Russian class but he was returned to the Gypsy class in a month with no explanation of the reasons. After that the parents decided against school. No measures to encourage students to the school were taken.[74]

In the Roma settlement in Irkutsk (named Kirov) at least 50 children live; none of them attend school or are literate. Earlier for these children a group of individual instruction had been organized in School No. 29, where a group of 1-2 classes was provided with 10 school hours over a four-day school week. The children went through a special commission to enter the school. The parents were indignant at the discrepancy between the education their children received and their expectations: "Russian children study from 9am to 2-3pm, but ours come at 11 and were on their way home by 1, but they collected money from us for school expenses. We took the children out of school."[75]

The same picture occurs in Krasnoyarsk (in the settlement of Solontsy). Children from a compact Roma settlement had studied in a Gypsy class previously (in the afternoon shift), but in more recent years don't study anywhere.

In the settlement of Novaya Bykovka in Vladimir Region and in the settlement of Pirochi in Kolomensk District, Moscow Region, hundreds of Roma children do not attend and have never attended school.

"Tabor Schools": Pro and Contra

One of the forms of primary school organization for Roma children is all the more frequently becoming schools that are located directly within compact Roma settlements, or tabors; they are known as "tabor schools." They usually arise at the initiative or request of communities themselves that are interested in having the children learn close to home. In at least two known instances state schools were registered in private Roma homes (in Tyumen and in Novgorod Province). Situations have been noted when an Educational Committee made a decision to purchase a private home as state property in order to form a Roma school in it (Tula Province and Tambov Province). These schools have their advantages. The convenient location and trusting relationships with teachers who work practically under the parents' watch facilitate the receipt of a primary education by the majority of younger school-age children. An indubitable drawback of the schools is their isolation, the problem of transferring into a secondary school, and the impossibility of implementing a full program due to lack of space (such as a gymnasium and sometimes a dining hall) and of pedagogical staff (specialized subject teachers are almost always lacking, and no foreign language is taught, or music, and so on).

In the settlement of Kalinichi in Tambov District around 100 Roma children studied in the 2008-2009 school year. The primary school, where 64 children studied, is located within a Roma settlement, and 34 children attended the secondary school in the village of Kuzmino-Gat.

The school building in Kalinichi is decrepit, with no amenities, and was formerly a home that was purchased by the district administration. The premises are not only unsuited to the learning process but pose a hazard. They are completely unsuited for the requirements of a contemporary school facility not only due to the lack of proper equipment for the classes but even in terms of its

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73 Interview with Lana Mikhaj and Sajmir Mikhaj, September 2008.

74 Interview with Mikhail and Sabina Muntyan, June 2009.

75 Interview with Natalya Sajchenko and Artyk Guman, June and December 2009.

physical conditions. In rainy weather the roof of the school building leaks. The school uses a stove for heat but there is no fire alarm.

The educational process is carried out according to the "School of Russia" program, which encompasses the study of a foreign language, along with instruction in handicrafts and physical education. However, due to the absence of teachers in these subjects, they are not taught in school, which violates the rights of students to receive an education in accordance with the chosen program. The school lacks a gymnasium. Until recently lessons for Roma children were also held here for the secondary school, but the lack of personnel and premises led to the program's being essentially not implemented.

In the opinion of a number of teachers from the school in Kuzmino-Gat, the children still arrive in fifth grade from Kalinichi poorly prepared.[76]

In the settlement of Plekhanovo (Tula Province) more than 150 children attend the primary "Gypsy" school. The school is located in the center of the *tabor*. The teaching of *tabor* children began in 1988. Teachers from the evening school were delegated for it, but there was no building, and they taught the students at home, first in one family, then in another. In 1990 the local authorities designated the building of a former sewing workroom for the school. It was small, only 60 square meters in all, in terrible condition, and was located 1.5 kilometers from the *tabor*. In the winter the children stopped going to school. In 2003 that school burned down, and for an entire year the children studied on the second floor of a home in the *tabor*. After that another private home was purchased and repaired, and the school was housed in it.

The school employs five teachers, and in the 2008-2009 school year there were two first grades, two second grades, a third grade, and a fourth grade class. For several years graduates of the *tabor* school were not given any opportunity to continue their education at the secondary level after fourth grade, but in 2007 a fifth grade for Roma children from the primary *tabor* school was opened at the nearby Secondary School No. 17. Fifth-grade Roma students learn during the afternoon shift. According to the principal of School No. 17, Natalya Nikolaevna Kulicheva, Roma students do not lag behind their peers and are not distinguishable from the general crowd.[77]

The possibility of opening special classes at the evening school for the Roma children is being discussed, since the problem of "regular" instruction of tabor children has still not been resolved even in the context of a nine-year education.

In the city of Chudovo in Novgorod Region, the primary school for Roma children was opened at the initiative of the residents of the settlement themselves, who had constructed a separate house especially for it. At first the school was a private one, but at the request and participation of community leaders it was licensed and assigned a number and status as a municipal school in a location provided by the owner at no cost, although the owner is assessed property taxes on the school. There are hundreds of children in the compact Roma settlement, but the Sanitary and Epidemiological Service does not permit the school to enroll more than 57 students. As a result a portion of the children are pushed out of the school even before the end of primary education so that others may be enrolled. In the 2009-2010 school year children are attending school in two shifts. First the first and fourth grades learn together at the same time, and then the second and third grades.

After finishing the *tabor* school, children may continue their education in the settlement of Syabrenitsy in Chudovo District. But not many continue on there. Many have problems with personal documents, and several children do not correspond by age to their level of education, and the schools are not supposed to take "over-age" students. Nevertheless there are individual examples of successful integration of Roma children into secondary school in Syabrenitsy, and one boy—Ramesh Yanopol—is successfully enrolled in eleventh grade in the 2009-2010 school year.

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[76] This information was received by ADC "Memorial" during work regarding the protection of Roma children from the settlement of Kalinichi in 2008-2009.

[77] Address by N. N. Kulicheva at a roundtable regarding the problems of educating Roma children, Plekhanovo, January 2009.

There is one more school in Chudovo that accepts Roma children and even creates Gypsy classes. This is a special Type 8 remedial school. It contains two Gypsy classes, with 13 and 7 students, respectively. This school's program is not a full program since the children sent here have mental retardation. The authority to register children at this institution is determined by the State Educational Institution "Center for Psychological-Medical-Sociological Guidance." The Commission includes a psychiatrist, a psychologist, a disability specialist, a speech therapist, and the Chair of the Commission.

Teachers at the remedial school are confident that no one is assigned to them by chance. Nevertheless in the *tabor* school one hears was hear this evaluation: "Among the Gypsies Type 8 is a social indicator," allowing one to surmise that some children are send to the commission in part due to their difficult family situation, which has led to pedagogical neglect. Poor Roma families are usually very pleased with the attentive and benevolent attitude toward the children in the remedial school, and with the meals provided at no cost. Clearly only those children who require remedial education and a simplified program for medical reasons should be attending this school. On the other hand, in these schools the additional attention to students and material support serves as a powerful stimulus for some sort of school attendance by the most disadvantaged children. The experience of such schools should be considered, but in a different sense. Without pronouncing the neglected children unwell they should be provided the assistance and support they require as part of their socialization and in consideration of the significance of implementing affirmative measures.[78]

Ekaterinburg: A Concrete Example[79]

The combination of varying models of educating Roma children in Ekaterinburg is worth examining. The situation that has arisen regarding the education of Roma children in the Verkh-Isetsk District of the city most fully reflects the specifics of the attitude on the part of the Russian Federation's state system of general education toward working with children from traditional Roma communities.

Since 1956 two compact settlements of Roma have existed in the Verkh-Isetsk District of Ekaterinburg. Roma children there study in four educational institutions; the variety of approaches taken there in carrying out the educational process for Roma children perfectly illustrates the practice that has arisen in the Russian Federation.

The Practice of Segregation, or the "Gypsy Class"

Most Roma children study in Municipal Education Institution of Secondary Education School No. 41, which since 1996 has contained a separate class for Roma children, 3-B. Twenty-five children ages 7 to 12, receive their primary education there, mostly boys, who say, "We had 20 boys in the class and 2-3 girls (the girls are probably not accepted into school)."

Lessons in class are carried out according to a remedial (in effect, simplified) Type 7 program for children with learning disabilities, and is designed for five years. In the words of T. N. Sergeeva, the Director of the Verkh-Isetsk District Educational Authority, the Gypsy class of School No. 41 accepts all children from the compact Roma settlement without the examination by a psychological-pedagogical commission that is required in these situations: "We don't assemble any commission; we simply put them all into the Gypsy class."

Students in the separate class are children from the poorest Roma families. They lack clean and tidy school clothing and a change of footwear ("they come to school in whatever's at hand"), money to purchase school supplies or pay for school lunches.

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[78] This information was received during cooperation between ADC "Memorial," the schools, and the Educational Committee of Chudovo Region during 2003-2009.

[79] Information on the situation in Ekaterinburg was collected by experts from ADC "Memorial" in July 2009.

In the absence of the necessary preparation of students and parental support, the classroom teacher—a teacher in the primary school—is forced to take on the responsibility not only for instruction but in guidance and even material assistance for Roma children. The teacher of the Gypsy class in such conditions performs a role not so much of a teacher, but more of a counselor and social worker. She "invites the children to school every day" (school begins only at noon, "nobody would come by 9"); without invitation "only 5-6 would come"; purchases instructional supplies (pens, pencils, notebooks, and so on) at her cost; attempts to supervise the progress of students; visits their parents; instructs Roma children in elementary hygiene; and sometimes even feeds them at her cost. This entire burden falls on a teacher of retirement age, Lidiya Mikhajlovna Sannikova, who is over 70. She must work in the school due to the small size of her pension. Meanwhile younger, less experienced teachers, not wishing to overload their workday, refuse to lead the Gypsy class.

According to information from the Vice-Principal of the Housekeeping Unit, Svetlana Gennadievna Averyanova, and the secretary, Olga Vladimirovna Medvedeva, the Gypsy class occupies a particular, exclusive position in School No. 41. In their opinion, Roma students are notable for their poor discipline and progress. They constantly skip class and even abandon their education due to their parents' frequent moves. Without any preparation prior to school, the children know Russian poorly and have no concept of following a daily school routine. The parents of Roma children who study in the separate class do not participate in the activities of the parent committee and do not attend parent assemblies; do not donate money for the holding of school events and even for food; do not supervise their children's progress; they are not in a position to raise children to be "civilized" since they themselves "often don't know how to behave; for example, they smoke in the building."

In their turn, Russian and Russian-speaking parents forbid their children to interact with Roma and negatively view the study of Roma and Russian children in integrated classrooms, basing their disapproval by the poor influence of the "thieving" Gypsies on their own children.

Thus a class that consists of Roma children who are unprepared for learning, lack discipline, are of varying ages, and who are from socially disadvantaged families are pulled together without any remedial or preparatory work and led by an aged teacher who must also feed, guide, and discipline the students as well, will naturally be excluded not only from school life but from the educational process as such. Roma children not only do not participate in general school events, do not interact with Russian and Russian-speaking schoolchildren, but effectively study one and the same program for four years of the most simple kind ("Let them at least learn the letters, that's enough"), and abandon school at the will of their parents, who surmise that the level of knowledge attained is sufficient for their children to get married and enter working life.

The practice of segregation meets with disapproval among Roma parents. They complain about the low level of education their children receive; however, it is the school they blame for their lack of success, for its insufficient level of control over attendance. They are also displeased with the practice of collecting money from parents for various needs, including for New Year's presents for the children and for repair of the school. The parents of Roma children also have a negative view of the teacher of the Gypsy class who, according to them, does not engage with the children sufficiently or simply "locks them in, writes the assignment on the board, and leaves for two hours." Roma parents lack the mindset for their children to receive a regular education: "We want a child to be able to read and write a little, and that's enough, that he should study until fourth or fifth grade, because at 13-16 he'll get married. The community interferes with studies; and we don't live individually" (Svetlana Kalampiri).

The parents' main demand is that the Gypsy class be abolished and the children be taught together with the Russian and Russian-speaking students: "We want them to dissolve the Gypsy class, so our children can study in Russian classes."; "We want 3 Gypsies to be able to study together with 30 Russians."

Besides the separate Gypsy class, Roma from other ethnic groups that live dispersed among the Russians—the Ruska Roma—do study in integrated classes. There are about 10 such students, and they continue their education to eighth and ninth grade, inclusive. The teachers have almost no complaints regarding their progress and discipline.

Both Roma parents and the employees of School No. 41 point out the insufficient funding of the school; the funds allocated from the municipal budget are not enough for even a cosmetic repair of

the building.

Problems of Desegregated Instruction

The more successful and prosperous Roma parents prefer to send their children to the integrated classes of School No. 171 and No. 48, where they receive a primary education according to the standard program. Only 25 Roma in all are in the primary classes of the two schools, 10 in School No. 48 and 14 in School No. 171. The teachers and parents note a high level of knowledge of Russian among the Roma students; however, they remain as before the most problematic.

Roma children almost never progress to secondary school; their study most frequently ends in fifth or sixth grade, after which they are supposed to marry. Only a fifth of Roma students are girls.

It should be noted that parent committees, teachers, and the school administration have a negative view of Roma children being taught in integrated classrooms, surmising that their low level of discipline and progress will have a negative impact on the other students, as well as on the indicators of the effectiveness of the educational process as a whole. The school administration often refuses to accept children of Roma parents, noting that they won't learn in any event: "In School (No. 171) they say: 'Your children will study for two or three years and leave. Go and find some other school there.' Basically they treat us like aborigines" (Mikhail Golumbovich Kristya).

More than that, the prejudice of the administration against Roma children does not allow Roma organizations to conduct effective work in integrating the Roma into the system of general education. Thus, Roma children who completed a pre-school preparatory program supported by the social organization "Roma-Ural" in 2006 were not accepted into integrated classes at School No.171 and No. 48 due to the active opposition of the school administration and of the principals personally, and were forced to continue their education in the Gypsy class of School No. 41. Thus the possibility of integrating children into the system of school education was rejected by the system itself, and the results of extended effort to eliminate exclusionary conditions ended up being discarded.

"The Special Child": Remedial School

The residential school No. 17 "The Special Child," which specializes in working with children who have problems in their psychological development combined with movement disorders (diseases and disorders of the musculo-skeletal system) is located in close proximity to the compact Roma settlement. More than 100 children from Sverdlov Region are in the boarding school receiving a general secondary education. Only 12 are Roma (Kalderash and Ruska Roma). According to Vice-Principal Anna Grigorievna Ovchinnikova and the Vice-Principal of the Housing Unit Lyudmila Ivanovna Najdanova, Roma children are distinguished by "pedagogical neglect" and attend remedial classes of the simplified Type 8 variety for children with learning disabilities. They have been registered there upon the decision of a medical-psychological commission. Psychologists and speech therapists work with them, and the children progress and show discipline. They are always neatly dressed and attend lessons on time, and are well provided with school supplies and instructional materials at their own cost. Roma children study in seven different classes; in other words, there is no segregation. Roma students are also completely included in the work of various types of hobby groups and elective classes (ceramics, lathe work, sewing), and they participate in sports competitions, outings, and other school events.

The parents of Roma children participate regularly in the work of the parent committee and are appreciated for this. Five boys from the Kalampiri family attend the school "The Special Child," and the family is pleased that the children progress from class to class (the oldest, Bajram, should enter ninth grade in the 2009-2010 school year). They speak Russian well, interact with Russian and Russian-speaking children, and participate in hobby groups and electives.

Only around half of Roma children who are residents of compact settlements attend an institution of general education. Since the majority of Roma parents lack registration and Russian citizenship, their children cannot receive medical insurance, which is mandatory for acceptance into school; such is the case, for example, in a compact settlement in Skorostniy Pereulok, also in Verkh-Isetsk District, Ekaterinburg.

Roma parents from compact settlement very rarely send girls to school. If the ability to at least read and write is required for a boy, extra knowledge is of no use for a future wife and mother, according to Roma beliefs. Additionally, in the parents' poverty they must choose whom to send to school and somehow provide clothing, school supplies, and pay for lunches.

An analysis of the data received as a result of human rights monitoring allows a number of conclusions to be drawn concerning the particularities and traditions of attitudes toward the education of Roma children, both on the part of their parents and on the part of educational institutions in the country as a whole.

Thus, gender discrimination is typical for many Roma communities, as are strong social stratification, an orientation toward strictly defined occupations, a reliance on traditional morals and "Gypsy laws," and an isolationism, all of which result in the situation that receiving a regular education by Roma children is not always the highest priority. The inclusion of Roma in the educational process is recognized as necessary only to the extent that it promotes the interaction of Roma children with the surrounding society and provides basic capabilities to calculate and write that are necessary in the family business. Thus the approach of most parents is to educate their boys in primary school for two to three years, five or six years at the most, preferably in a Russian class, and with considerations of economy being of paramount significance.

For their part, employees at institutions of general education, both due to the attitude toward education by the Roma themselves and the surrounding xenophobic environment, view the need to work with Roma children as an additional load, a burden that will not lead to the integration of Roma into Russian society in any event. In such conditions schools with a significant number of Roma students must create multi-age Roma classes, the teaching of which is entrusted to retired teachers who must earn extra income.

The Experience of Several Schools That Educate Children from Roma Settlements: Difficulties and Attempts to Find Methods to Bridge Them[80]

Acknowledging the difficulties encountered by all schools that are located near compact Roma settlements and which must accept hundreds of non-Russian speaking children who are poorly prepared for school, it should be noted that many educational institutions in this situation attempt to not violate the children's rights, but autonomously seek methods of resolving the problems that arise. This deserves all the more respect because the schools lack methodical and material state support, the teachers lack opportunities to learn of the experiences of other similar schools. In effect they must struggle alone with the racism and the prejudices of the one, as well as with the problems in adaptation of the other.

School No. 30 in Ryazan is located not far from the Roma settlement of Dyagilevo. Roma students have been learning here more than 40 years already, since the settlement arose. In the 2008-2009 school year 94 Roma children attended school, including 73 Kalderash Roma, 17 Crimean Roma, and 4 Russian Roma.

The school accepts Roma children without documents but on condition that a certificate of health is provided. Since the parents have a fairly weak motivation toward study, the administration

[80] The collaboration between ADC "Memorial" and the above schools has been developing since 2006.

values contact with them. General school assemblies of parents are held with everyone together, but separately as well if necessary to solve a particular problem.

The school leadership notes a positive tendency toward school attendance in recent years. Children skip lessons without valid reasons less frequently, although the usual problems typical for compact Roma settlements (early marriage, frequent moves, poverty) exist here as well. A preparatory class has been organized in the school and is conducted at no cost; however money is collected from the parents for the children's meals. Since the majority of Roma parents are extremely poor, they cannot send their children there.

School No. 9 in Penza is located near a Roma settlement in the Lampoviy Zavod District (Serpukhovskaya Street, Shcherbakova). This settlement has existed for more than a century and a half and contains more than 300 houses. In the 2008-2009 school year, 118 Roma studied here (only 198 children ages 0 to 18 were registered in the micro-region as a whole for this period; children born in 2008 were not included). Of them 75 children (44 boys and 31 girls) study at the primary school, and 43 at the secondary level (29 boys and 14 girls).

In addition to the mixed classes there are also compensatory classes in the school. During the 2007-2008 year, for example, Class 1-B was exclusively Roma, and 2-A contained mostly Roma and three Russian children). The teachers are displeased that the school program is not adapted for the needs of non-Russian speaking children and they must teach those who have a poor command of Russian in compensatory programs. The school administration maintains good relations with the parents and attempts to integrate Roma children with the others but admits the existence of difficulties in the process, primarily of the linguistic sort.

School No. 46 in Volgograd is located in the Soviet District. A compact Roma settlement is located in close proximity, five minutes' walk from the school; Roma have lived here (with a short interruption) more than twenty years. On the whole School No. 46 is a multi-ethnic one, and Tajik, Azeri, and Tatar children study here. According to the school administration, school instruction is embraced by the majority of the Roma children. They are accepted without a certificate of registration, upon the application of their parents. In primary school Roma children study separately but a certain number of children progress into secondary school and are integrated into general classes. As everywhere in such schools, children from the *tabor* arrive in school without prior preparation and without a good command of Russian. The school encourages the initiatives of the teachers, who develop their own methods of instructing bilingual children. Thus in 2009, teachers A. E. Surkova and I. V. Piskunova created a bilingual ABC and a workbook for it was published.[81]

School No. 71 in Astrakhan is located in an outlying settlement of Yango-Aul. The settlement is not entirely Roma, but Wallachian Roma live here compactly. Several streets begin right behind the school fence. Around 100 families total live in the settlement, for the most part with many children in each; there are clearly hundreds of minor children in the families. Previously 70-90 persons were accepted into school, but now only 45 attend from first to seventh grade (three children have progressed to seventh grade so far). "Compulsory education"—the requirement to compile an entire packet of documents for children—prevents the principal from accepting all the children, as do the age requirements (children older than 8 cannot be accepted into first grade). Ten years ago evening classes also existed at this school but then a separate school was created from them in the settlement of Svobodniy. "Over-age" students, however, are not accepted into first grade there either. The principal of School No. 71 would have liked to accept the older ones as well and requested permission to change the school charter but the educational committee did not permit it: "You are an evening school."

The school contains several Roma classes, but there are integrated classes as well. In the principal's words, "In 2008 for the first time we placed several Roma children in a mixed first grade. But even earlier when we placed the Roma separately some were transferred into mixed classes." The children are taught all subjects. Preschoolers are invited into short-term classes that prepare them to enter school. A speech therapist and psychologist work with the children, analyze the situation, and prepare reports.

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[81] Piskunova, I. V. And Surkova, A. E. Bilingual ABC Workbook (in Russian and Roma). St. Petersburg, 2009. Sponsored by Save the Children Sweden.

The open shift school No. 2 in the city of Lipetsk instructed 90 Roma pupils in the 2008-2009 school year. They all live in the compact settlement of Zarechie on the outskirts of Lipetsk. At first 55-58 children of varying ages, who studied in compensatory education classes (small size), came to the school; however, the situation was adjusted in 2-3 years and the children studied according to age. All classes at the school, from first to ninth grade, are compensatory education classes that contain from 9 to 12 students, mostly Roma, who as of the 2008-2009 school year had already reached seventh grade. Roma students study in the school from 1 to 6 pm. They receive a bus from the settlement and back at no cost. The school administration works in close contact with the parents of Roma students and with the leader of the *tabor*. The socio-pedagogical service of the school monitors the situation in the students' families. There are 53 students who come from families with many children, 11 foster children, 17 students who have chronic illnesses, and 2 who are invalids from childhood. The school administration provides these families with assistance based on a plan individually developed for each student, and also assists those in need by providing food and material assistance to the family. The experience of the Lipsetsk school is noteworthy in that the Roma children are accepted by the evening shift school, which avoids the problems connected with accepting older children into primary school. The existence of separate Gypsy classes is explained in this case by the fact that there simply are no other students receiving primary education in the evening school. The utilization of compensatory classes permits small-group teaching of children, which is helpful for the education of non-Russian speaking students. On the grounds of the evening school students receive not only a general secondary but a professional secondary education, which is extremely important for those who enter adult life right after school and must begin to earn a living.

However here also the issue arises here of how to provide a standard quality education and progress toward joint instruction with the other students at the secondary school.

The experience of stimulating interest in the poorest families through material assistance is instructive. It takes only a small amount of assistance (2000-3000 rubles a year) to convince a family to send a child to school, preventing the trampling on a child's rights that occurs upon deprivation of all education.

The children themselves upon inquiry complained most about those instances when they were not sent to school at all, leaving them illiterate for the rest of their lives. It is the duty not only of the family but of the state to ensure access to school by all children and to guarantee them a quality education, non-discriminatory treatment, and respect for their cultural and overall rights.

Conclusion

Steps must be taken immediately to eliminate all forms of discrimination against Roma children in schools of the Russian Federation. This will require the assembly of precise data regarding schools that educate large groups of Roma children, the analysis of this material from a legal and pedagogical point of view, and the development of a plan to eliminate the inequality and existing discrimination.

All segregation and separation of children exclusively on an ethnic basis within the system of formal education should be categorically prohibited. Any display of racial discrimination or segregation requires particular attention by all structures that supervise education and monitor the rights of children. Integrated instruction remains the best and most optimal solution to the problem. The difficulties connected with integrating large groups of non-Russian speaking children who are insufficiently prepared for school must be acknowledged. Therefore schools that will have to integrate Roma children into their general classes require operational and financial support on the part of the state. Provision should be made for supplemental opportunities to prepare the children for school (preschool instruction). The so-called "minimum enrollment" that defines the number of students in each class (25 in municipal schools and 14 in village schools) should be lowered so that schools are not obligated to utilize methods of "psychological remediation" of completely healthy children, except to the extent linguistic assistance is provided to those who require it. The extreme poverty of many families that live in Roma settlements must be taken into account. In order to assure access to

education by children from these families, they should be provided at least with textbooks and transportation to school at no cost. Particular attention should be paid to working with parents and convincing them of the significance of their children receiving a complete secondary education, and assisting them in preparing documents.

Most importantly, it is essential to monitor compliance with the principal of universal formal education, according to which all children should attend school and receive a standard education, regardless of their racial or ethnic background, as required by the Law on Education of the Russian Federation, the Constitution of the Russian Federation, the UN Convention on the Rights of the Child, the European Framework Convention for the Protection of National Minorities, and the UNESCO Convention Against Discrimination in Education.

Recommendations

ADC "Memorial" Calls Upon The Authorities of the Russian Federation to:

Adopt anti-discrimination legislation precisely defining discrimination and defining segregation as one of its forms, with the goal of protecting the rights of Roma children, including against discrimination in education. Modify the Law on Education to conclusively prohibit segregation in schools, to develop effective mechanisms to implement the law prohibiting discrimination based on ethnicity, and to monitor the implementation of the Law. Bring all federal and local subordinate acts and instructions that require the presentation of every conceivable sort of document in order to enroll in school (proof of citizenship, registration, and so on) into compliance with the Convention on the Rights of the Child and the Law on Education, which guarantee everyone the right to formal education. Defend by law the rights of children who are not citizens.

Adopt a large-scale federal plan to improve the position of the Roma population in the Russian Federation, in accordance with the "Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area" (Maastricht, 2003),[82] and provide for a series of affirmative measures analogous to those set forth in the OSCE Plan. Develop and finance special programs to eliminate the social and economic marginalization of Roma, which arises first and foremost from poor living conditions, lack of documents, and difficulties in accessing education and employment. Particular attention should be paid to issues of education and the creation of optimal conditions in schools that are located near Roma settlements. Lessons acquainting all the students with Roma history and traditions should be included in the school program to facilitate cultural dialogue and eradicate anti-Roma prejudices.

Join the "Decade of Roma Integration" (2005-2010), which was proclaimed by a number of European countries with the goal of achieving dramatic advances in the elimination of discrimination against Roma in Europe.[83]

To the Ministry of Education of The Russian Federation and Regional Educational Governing Bodies:

When implementing the Priority National Project "Education,"[84] fund programs for the inclusion of Roma youth in the system of education and for the improvement of teaching quality, taking into account the full spectrum of problems faced by the Roma population of the Russian Federation in the realm of education.

82 http://www.osce.org/documents/odihr/2003/11/1751_en.pdf
83 http://www.romadecade.org/
84 http://eng.mon.gov.ru/pro/pnpo/

Devote particular attention to schools located near compact Roma settlements and where large numbers of children study whose native language is not Russian.

Guarantee access to school for all children, including those who cannot compile the necessary documents for whatever reason (citizenship, residence registration, birth certificate).

Declare the practice of creating "Gypsy classes" based on ethnicity and a poor command of Russian to be discriminatory. If segregated instruction of Roma children is based on the geographical location of the *tabor*, segregated education in primary school should be considered as a temporary measure with a view toward the subsequent integration of Roma children in secondary school.

Declare impermissible the practice of testing Roma children across the board in their non-native language (Russian),which results in their automatically being assigned to compensatory and remedial classes according to the results of this "testing."

Reduce the number of students in each class for the purpose of guaranteeing the quality of education, dividing the class for this purpose into groups during basic lessons that are conducted in Russian (Russian, mathematics, natural history), similar to the division of a class into groups for the study of a foreign language, accompanied by the funding of additional classroom hours.

Introduce supplementary lessons in the study of Russian into the program and fund them.

Improve the qualifications of teachers who work with Roma children and familiarize them with Roma history and culture. Prepare individuals in the system of higher education to teach these subjects.

Retain specialists in linguistics and the methodology of teaching Russian as a foreign language; create educational programs for bilingual children.

Provide for the teaching of the written Roma language to children who know it as an oral language. Develop corresponding learning aids with the participation of philological specialists.

Ensure access by Roma children to primary and secondary school located near Roma settlements (if the school is at a distance from the settlement, provide a school bus at no cost).

Organize and fund the work of personnel who can assist Roma children and parents adapt to school: speech therapists, psychologists, and counselors responsible for working with parents and ensuring attendance, secretaries responsible for preparing documents, meals, material assistance, and so on.

Strengthen the motivation of Roma parents to educate their children and if necessary (if the lack of textbooks or clothing hinders the access of children to school) to provide material assistance. The experience of those regions where Roma students are provided meals, as well as a uniform and textbooks at no cost, can be utilized.

Devote particular attention to the preschool preparation of Roma children, for which preparatory groups should be funded; allow children older than eight to enroll in primary school.

Create a system of evening instruction for adults as well as for those children who for some reason have interrupted their education or have not entered school on time.

Assure the integration of Roma children into school surroundings, for which purpose joint instruction with other children in various subjects should be conducted, along with in-school and out-of-school events (athletic tournaments, festivals, excursions, and so on).

To the Plenipotentiaries for Human Rights and the Rights of the Child:

Monitor the observance of the right of Roma children to educational access and to high quality and non-discriminatory education. To collect the fullest data regarding the position of minority children in schools, considering the opinion of the students themselves in collecting and analyzing the information.

When developing the "National Plan in the Interests of Children," to devote particular attention to the problem of discrimination and violation of the rights of children in schools. Provide for a combination of measures geared toward the struggle against discrimination, toward assisting all schoolchildren to integrate, and toward supporting the education of children from national minority groups.

Cooperate with human rights organizations in the struggle against discrimination and segregation in schools.

To International Organizations:

The UN Committee on the Rights of the Child: Devote particular attention to the problem of ethnic discrimination in Russian schools when examining the regular reports of the Russian Federation; categorically condemn all forms of discrimination and segregation of children during the process of receiving an education; insist upon the fulfillment of Article 2 of the Convention on Rights of the Child, which prohibits discrimination.

The UN Committee on Economic, Social, and Cultural Rights: Examine the problem of discrimination in Russian Federation schools in light of its May 2009 General Comments on the prohibition against discrimination.

The UN Committee on the Elimination of All Forms of Racial Discrimination: Monitor the implementation by the government of the Russian Federation of the recommendations regarding education.[85]

The Council of Europe: Monitor the implementation by the Russian Federation of decisions by the European Court of Human Rights regarding the prohibition on discrimination against Roma children in issues of access to formal education and regarding the immediate cessation of the practice of segregating children, including by placing them in classes for children with developmental delays.

Monitor the implementation of the recommendations of the European Commission Against Racism and Intolerance that were included in ECRI's Report on the Russian Federation.[86]

Bring Russian legislation in compliance with the Framework Convention for the Protection of National Minorities,[87] devoting particular attention to the right of children to receive education in their native language and the implementation of cultural rights.

Achieve the ratification by the Russian Federation of the European Charter for Regional or Minority Languages and the implementation of its requirements regarding the rights of minority language speakers in schools.

Monitor the implementation by the Russian Federation of the requirements of the European Social Charter[88] regarding access to education by all children in the country, without exception.

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85 www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf.

86 http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Russia/RUS-CbC-III-2006-21-ENG.pdf

87 http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Regional_or_Minority_languages/

88 http://www.coe.int/T/DGHL/Monitoring/SocialCharter/

The European Commission: Include issues regarding the monitoring of rights of Roma children to education on the agenda during consultations and other meetings regarding human rights between Russia and the European Commission.

The OSCE Office for Democratic Institutions and Human Rights: Insist on the development and adoption by the Russian Federation of an "Action Plan on Improving the Situation of Roma (Gypsies)" in accordance with the "Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area" (Maastricht, 2003).

Support the development of independent Roma organizations and cultural centers in the Russian Federation.